

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

LEON THOMAS,) Case No.: 1:13-cv-2776
)
Plaintiff,)
v.) Hon.
)
GC SERVICES, LP,)
)
Defendant.)
)
)

COMPLAINT

NOW COMES Plaintiff, LEON THOMAS (“Plaintiff”), through attorneys, KROHN & MOSS, LTD., and hereby alleges the following against Defendant, GC SERVICES, LP (“Defendant”).

INTRODUCTION

1. Count I of Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (“FDCPA”).

JURISDICTION and VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”
3. Defendant conducts business in the State of Ohio therefore, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2), “a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred...”

PARTIES

5. Plaintiff is a natural person residing in Cleveland, Cuyahoga County, Ohio.
6. Defendant is a business entity with a business office located in Houston, Texas.
7. Defendant is a debt collector / collection agency as that term is defined by 15 U.S.C. 1692a(6).
8. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

9. In or around November of 2013, Defendant placed collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt.
10. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
11. Defendant called Plaintiff's telephone number at 216-401-84XX.
12. In or around November of 2013, Defendant called Plaintiff and left a voicemail message on Plaintiff's answering machine. See transcribed voicemail message attached hereto as Exhibit A.
13. In the voicemail message, Defendant failed to meaningfully disclose the company's name, the nature of the call, or state that the call was from a debt collector. See transcribed voicemail message attached hereto as Exhibit A.
14. In the voicemail message, Defendant directed Plaintiff to call back telephone number 866-862-2793, which is a number that belongs to Defendant. See transcribed voicemail message attached hereto as Exhibit A.

15. Defendant is using false, deceptive and misleading means in connection with attempting to collect a debt by not identifying the purpose of its phone calls or that they are an attempt to collect a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated § 1692d of the FDCPA through performing the natural consequence of which is to harass, oppress, or abuse any person;
- b. Defendant violated § 1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity because Defendant did not provide the identity of the caller or the nature of the debt;
- c. Defendant violated § 1692e of the FDCPA by using false, deceptive or misleading representation with the collection of the debt;
- d. Defendant violated § 1692e(10) of the FDCPA by using false representations or deceptive means to collect or attempt to collect any debt;
- e. Defendant violated § 1692e(11) of the FDCPA by failing to disclose that the call was from a debt collector.

WHEREFORE, Plaintiff, LEON THOMAS, respectfully requests judgment be entered

against Defendant, GC SERVICES, LP, for the following:

9. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

10. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
11. Any other relief that this Honorable Court deems appropriate.

Dated: December 17, 2013

KROHN & MOSS, LTD.

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